

Title	Political activity on Council land or at events
Description	Guidelines to inform the approval or otherwise of political advertising or campaigning on Council controlled land or assets and at Council controlled or auspiced events.
Category	Enforcement
Type	Guidelines
Approval authority	Chief Executive Officer
Responsible officer	Senior Governance Advisor
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Review cycle	Every four years
Review date	13 September 2026
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Human Rights compatibility	This policy has been assessed and is compatible with the Victorian Charter of Human Rights of Responsibilities

1. Purpose

- 1.1. To provide guidance to Council officers in the issuance of permits under the *General Local Law* for the occupation of roads, footways or Council land.
- 1.2. To ensure that Council events are apolitical by prohibiting certain political activity.
- 1.3. To allow elected representatives to participate in community activities and events in order to foster connections between them and their local constituents.

2. Definitions

- 2.1. In these Guidelines:
 - 2.1.1. **Council assets** means anything in, on or under *Council controlled land*. It includes (but is not limited to) buildings, fences, landscaping, street furniture, posts and signs, planter boxes, play equipment, bridges and road infrastructure.
 - 2.1.2. **Council controlled land** means land owned or managed on the community's behalf by Council. It includes (but is not limited to) roads, footways, car parks, parks, reserves, watercourses, reservations and property owned or leased by Council.
 - 2.1.3. **General Local Law** means the City of Yarra General Local Law (consolidated), which includes provisions of the General Local Law 2016 and the General (Consumption of Liquor in Public Places) Amendment Local Law 2021.
 - 2.1.4. **Voting centre** means a polling booth on election day or a pre-polling booth set up to allow early voting prior to election day operated by the Victorian Electoral Commission or Australian Electoral Commission.

3. Policy

The right to freedom of expression

- 3.1. The City of Yarra recognises the right to freedom of expression enumerated in the Charter of Human Rights and Responsibilities Act 2006. This right extends to a freedom to political expression, including

political campaigning, protest activity, assembling with like minded others and freely expressing political opinions.

- 3.2. The right to freedom of expression protects the right of people to hold an opinion and to seek, receive and impart information and ideas. The right to freedom of expression comes with responsibilities. The Government can lawfully restrict this right if the restriction is necessary to protect the rights of others or to protect public order, public health, public morality or national security.

An apolitical Council

- 3.3. The City of Yarra represents a diverse community which holds views across the political spectrum. In serving the interests of this community, Council does so without differentiating between individuals based on their political opinions.
- 3.4. Council cannot endorse, nor be seen to endorse, any individual candidate or political party.
- 3.5. To this end, Council does not engage in political campaigning in respect of any individual candidate or political party. Further, Council places lawful limitations on political activity by third parties in limited circumstances where such activity would imply the endorsement or support of Council.

Permits not required

- 3.6. Permits are not required to conduct any of the following activity:
- 3.6.1. Door knocking to promote a candidate
 - 3.6.2. Display of signage on a vehicle or trailer while in transit or lawfully parked on street.
 - 3.6.3. Display of signage on a vehicle or trailer parked on private land with the permission of the landowner where a planning permit is either in place or not required.
 - 3.6.4. Display of signage on private land, fences or structures where a planning permit is either in place or not required.
 - 3.6.5. Display of a signage and/or handing out flyers, brochures or promotional material on Council-controlled land within 20 metres of a *voting centre*, provided:
 - only one free-standing sign no greater than one metre wide or high is in use;
 - the *voting centre* is in operation;
 - the activity is not causing an obstruction or nuisance; and
 - reasonable efforts are in place to reduce littering and to clean the area of any litter produced.

Permits required

- 3.7. Permits will be considered and may be issued for the following activities:
- 3.7.1. Handing out flyers, brochures or promotional material on *Council-controlled land* (except as permitted near a *voting centre*).
 - 3.7.2. Display of free-standing signage (eg an A-board), banners or flags on *Council-controlled land* (except as permitted without a permit near a *voting centre*).
 - 3.7.3. Promotional stalls, tables, information displays, brochure racks or similar installations on *Council-controlled land*.
- 3.8. A permit can only be issued for an individual location, date, and time. Permits authorising activities in multiple locations and/or times will be considered but cannot be guaranteed.

- 3.9. Any permits issued will be subject to conditions to ensure public safety and amenity including (but not limited to):
- 3.9.1. must minimise obstruction to pedestrians or traffic;
 - 3.9.2. cannot cause any safety related issues;
 - 3.9.3. cannot require the use of external speakers, amplified music or voice recordings;
 - 3.9.4. cannot affect trade or impact any business;
 - 3.9.5. cannot unreasonably impact residential amenity;
 - 3.9.6. any other condition at the discretion of the issuing officer.
- 3.10. Permits will be issued at the discretion of the officer having regard to the totality of the impact of the activity across the municipality.
- 3.11. Officers are not to have regard to the political view or opinions being expressed in assessing permit applications.

Prohibited activity

- 3.12. The following activity is prohibited, and permits will not be issued:
- 3.12.1. Display of political signage on a vehicle or trailer while parked on *Council controlled land* other than where lawfully parked on street.
 - 3.12.2. Display or affixing political signage on *Council assets* or on utility assets located on *Council controlled land* without permission of the asset owner (including electricity poles, utility service equipment, traffic signals, hydrants, post boxes and public telephones).
 - 3.12.3. Painting, imprinting, projecting or otherwise displaying political communications on Council assets (such a footpath stencils, fence murals, wall projections, etc).
 - 3.12.4. Promotional stalls on Council-controlled land other than on a footpath (such as in parks, laneways, nature strips, parklets, etc).
 - 3.12.5. Political activity in or proximate to a Council event or Council auspiced event, with the exception of the Gleadell Street Market community stall which is subject to the conditions set out below.

Gleadell Street Market

- 3.13. The Gleadell Street Market is a Council run event, and subject to the prohibition on political activity, with the exception of the use of the community stall and subject to the conditions set out below. This is to ensure that Council is not seen to be endorsing any individual candidate or political party.
- 3.14. The Gleadell Street Market community stall is available to local community groups and organisations, and cannot be used for political activity, with the exception of local elected representatives who may use the stall for the purpose of fostering connections between them and their local constituents.
- 3.15. The community stall is available to be booked by:
- 3.15.1. Councillors of the City of Yarra;
 - 3.15.2. Elected members representing a part of the City of Yarra in the Victorian Parliament; and
 - 3.15.3. Elected members representing a part of the City of Yarra in the Commonwealth Parliament.

- 3.16. Community stall usage by elected representatives is subject to the following conditions:
- 3.16.1. The community stall must be occupied from 9.00am to 12.00pm and the actual Councillor or elected representative must be in attendance throughout this period. Representatives or staff members cannot attend in their place.
 - 3.16.2. Along with the Councillor or elected representative, only one staff member may also be in attendance at any one time.
 - 3.16.3. Within the confines of the market, no other areas other the community stall can be utilised.
 - 3.16.4. Advertising can only consist of one 'A' board or sign identifying the representative.
 - 3.16.5. At least two months must have elapsed since the most recent booking by the same elected representative.
 - 3.16.6. Handing out of flyers, political advertising or promotional material is not permitted.
 - 3.16.7. No person who has been pre-selected or otherwise publicly declared as a candidate for an upcoming election to Council, Victorian Parliament or Commonwealth Parliament may be present at the community stall.
- 3.17. The use of the community stall by any elected representative shall not be permitted, and any existing bookings shall be cancelled during the following election periods:
- 3.17.1. For Council elections, during the election period as defined in the Local Government Act 2020.
 - 3.17.2. For Victorian Parliamentary elections, from the issuance by the Governor of a writ for a general election until election day.
 - 3.17.3. For Commonwealth Parliamentary elections, from the issuance by the Governor-General of a writ for a general election until election day.
 - 3.17.4. For the equivalent period in the case of a by-election for any Council ward, a seat representing a part of the City of Yarra in the Victorian Parliament or a seat representing a part of the City of Yarra in the Commonwealth Parliament.

Enforcement

- 3.18. Council officers will seek compliance with the *General Local Law* in the first instance, and where practicable will issue a warning and provide an opportunity to comply by ceasing or modifying activity, removing materials or other steps necessary.
- 3.19. Where necessary, Council may, without warning, remove and impound or dispose of material placed on *Council assets* or *Council controlled land* that an authorised officer considers to be excessive, unreasonable and/or objectionable or has any safety implications. In determining whether material is objectionable, officers shall have no regard for the political opinions being expressed.
- 3.20. If a person fails to comply after having received a warning, or subsequently repeats the same behaviour for which they have already been warned, a formal Notice to Comply or Infringement Notice will be served.

Compliance with the law

- 3.21. Most political activity is subject to limitations under Victorian and/or Commonwealth law, including authorisation of political material, registration of how to vote cards, limitation on activities proximate to *voting centres* and other restrictions. Council is not responsible for enforcement of these laws, nor can it authorise or excuse activity that is contrary to these laws by way of a permit or otherwise.

3.22. Nothing in these guidelines should be taken to abrogate from requirements of the *Local Government Act 2020* (Vic), the *Electoral Act 2002* (Vic), the *Commonwealth Electoral Act 1918* (Cth) or any other relevant law.

4. Related Documents

Laws

- Local Government Act 2020
- Electoral Act 2002 (Vic)
- Commonwealth Electoral Act 1918 (Cth)
- City of Yarra *General Local Law*

Policies

- City of Yarra Governance Rules (including Election Period Policy)
- Gleadell Street Market Policy
- Gleadell Street Market Procedure and Protocols Manual